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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,285	09/17/2003	Burgess Chambers	22823.CPA1	8629

24256 7590 09/29/2005

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EXAMINER

WEIER, ANTHONY J

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,285

Applicant(s)

CHAMBERS, BURGESS

Examiner

Anthony Weier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 and 31-55 is/are pending in the application.
- 4a) Of the above claim(s) 31-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/ Restrictions

1. Applicant's election with traverse of Group I in the reply filed on 9/19/05 is acknowledged. The traversal is on the ground(s) that the Groups do not set forth mutually exclusive, independent inventions. This is not found persuasive because one species involves delivery of fruit juice to a trailer and prior treatment of fruit without a washing step and the other species involves delivery of fruit juice to a truck with prior treatment of fruit with a washing step.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19818546 taken together with Applicant's own admission, FR 2737478, and either one of Stout or Graham.

DE 19818546 discloses an apparatus and process wherein a mobile juice extraction system is located in a fruit orchard for harvesting fruit and obtaining juice therein. In particular, DE 19818546 discloses a transporting method via a mobile trailer for carrying the fruit, a dispensing step (i.e. hopper) for providing fruit to the mobile trailer, washing of the fruit with a washer, a multiple step

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extraction method step, peel and non-juice material being processed and conveyed as mush (p), the presence of a pulp sorting device, said juice being held in a tank, and transporting using conveyors, said process being provided with its own power source which is inherently operated when the fruit is to be processed (see pages 4-6). In addition, DE 19818546 provides for immediate treatment of the fruit following harvesting (page 3, line 2) and since said system would be set up at the grove, same would be processed well within the four hours called for in claim 24.

The claims differ in that they call for said method to involve extracting juice from citrus fruit. Although DE 19818546 does not specifically disclose treatment of citrus juice per se, same includes pressing steps and the description of apparatus capable of removing juice from citrus fruit. It is notoriously well known to remove juice from citrus fruit (see Applicants' own admission, page 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the process of DE 198189546 to remove juice from citrus fruit as a matter of preference in the particular fruit to be treated.

The claims further call for the presence of a chilling trailer and chilling the juice to a temperature effective for stabilizing the juice. FR 2737478 teaches the use of a mobile refrigerating tank for juices. Clearly, by refrigerating said juice the cooled temperature therein would be effective for stabilizing the juice. It would have been further obvious to have employed such step and refrigerated tank of FR 2737478 to help preserve and stabilize the juice.

The claims further call for positioning a walkway platform along an external periphery of the trailer to support movement of personnel thereon. Such concept is notoriously well known. For example, Stout (claim 1) and Graham (Fig. 1) both disclose walkways on mobile devices. It would have been further obvious to have employed a walking platform in the process of DE 19818546 to allow workers the ability to access or more easily access the various stations of the trailer. It would have been further obvious to have employed more than one entryway/walkway to facilitate more than one worker.

The claims further call for said trailer to include peel conveyors, pumps and specific arrangement of pumps for juice transferred to a storage tank and for juice transferred to the chilling trailer, and a device unloading fruit into a hopper. However, all of these items are well known in the fruit juicing art, and, absent a showing of unexpected results, it would have been obvious to have employed same for the art recognized benefits attributed to same. As for the particular positioning of pumps, such determination would have been well within the purview of a skilled artisan, and it would have been further obvious to have arrived at such arrangement as a matter of preference.

It is noted that the method claims contain numerous structural limitations. To be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

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over DE 19818546 taken together with Applicant's own admission and FR 2737478.

DE 19818546 discloses an apparatus and process wherein a mobile juice extraction system is located in a fruit orchard for harvesting fruit and obtaining juice therein. In particular, DE 19818546 discloses a transporting method via a mobile trailer for carrying the fruit, a dispensing step (i.e. hopper) for providing fruit to the mobile trailer, washing of the fruit with a washer, a multiple step extraction method step, peel and non-juice material being processed and conveyed as mush (p), the presence of a pulp sorting device, said juice being held in a tank, and transporting using conveyors, said process being provided with its own power source which is inherently operated when the fruit is to be processed (see pages 4-6). In addition, DE 19818546 provides for immediate treatment of the fruit following harvesting (page 3, line 2) and since said system would be set up at the grove, same would be processed well within the four hours called for in claim 24.

The claims differ in that they call for said method to involve extracting juice from citrus fruit. Although DE 19818546 does not specifically disclose treatment of citrus juice per se, same includes pressing steps and the description of apparatus capable of removing juice from citrus fruit. It is notoriously well known to remove juice from citrus fruit (see Applicants' own admission, page 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the process of DE 198189546 to remove juice from citrus fruit as a matter of preference in the

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particular fruit to be treated.

The claims further call for the presence of a chilling trailer and chilling the juice to a temperature effective for stabilizing the juice. FR 2737478 teaches the use of a mobile refrigerating tank for juices. Clearly, by refrigerating said juice the cooled temperature therein would be effective for stabilizing the juice. It would have been further obvious to have employed such step and refrigerated tank of FR 2737478 to help preserve and stabilize the juice.

The claims further differ in that they call for the particular rate of juice to be produced, and continuing processing until the grove is completed. Such determinations would have been well within the purview of a skilled artisan, and it would have been obvious to have arrived at a design or size of apparatus to facility such flow rates as a matter of preference depending on cost involved, space for the apparatus, etc. As for completing the entire grove, such would have also been well within the purview of a skilled artisan, and, it would have been further obvious to have made such a decision as a matter of preference depending on help available, cost, light hours (if done in one session), sale factors and profit considerations, etc.

It is noted that the method claims contain numerous structural limitations. To be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Thursday.

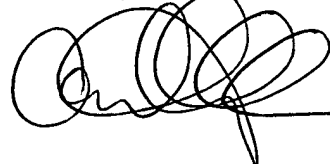
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Weier
September 26, 2005

Anthony Weier
Primary Examiner
Art Unit 1761


9/26/05